**Declaration of Political Affiliation for
Candidates at Elections and Related Matters**

Introduction

This paper provides information on arrangements for declaration of political affiliation for candidates at the Chief Executive ("CE") election, Legislative Council ("LegCo") election and District Council ("DC") election, and related matters.

Chief Executive Election

2.   Under section 13 of the Chief Executive Election Ordinance ("CEEO") (Cap. 569), a person is eligible to be nominated as a candidate at a CE election if, inter alia, he is a permanent resident of the Hong Kong Special Administrative Region ("HKSAR").

3.   Section 31 of the CEEO provides that when a person is elected, he shall publicly make a statutory declaration within seven working days after he is elected that he is not a member of any political party, and undertake in writing that he will not become a member of any political party or do any act that has the effect of subjecting himself to the discipline of any political party during his term of office.

4.   The main consideration of having this requirement is that in performing his roles and in discharging his full range of powers under the Basic Law, the CE must act impartially and in the overall interest of the HKSAR. At this stage of Hong Kong's political development, requiring the CE to be independent of any political party will ensure that there is a level-playing field in which political parties can compete and develop.

Legislative Council Election and District Council Election

5.   As regards the elections of the LegCo and DCs, section 37 of the Legislative Council Ordinance (Cap. 542) and section 20(1) of the District Councils Ordinance (Cap. 547) provide that a person is qualified to be nominated as a candidate for a LegCo or DC election only if, inter alia, the person is a permanent resident of the HKSAR. All LegCo and DC elections are conducted strictly in accordance with the relevant law and regulations, and all candidates must meet the relevant statutory requirements.

6.	At present, there is no requirement in the relevant law that candidates for LegCo or DC elections must disclose their political affiliations on the Introduction to Candidates or the ballot papers. Candidates are given an option as to whether to fill in their political affiliations on the nomination forms and the Introduction to Candidates published by the Registration and Electoral Office.

7.	In addition, section 3 of the Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation (Cap. 541M) provides that candidates may request the Electoral Affairs Commission to print particulars relating to them on ballot papers, including the registered emblem and name (or abbreviation) of a prescribed political body or a prescribed non-political body, or the registered emblem of a prescribed person and/or the words "Independent Candidate" or "Non-affiliated Candidate".

Overseas Practice

8.	We have conducted research on the electoral systems of some overseas jurisdictions to see if there is a requirement for a candidate at public elections in overseas jurisdictions to declare his political affiliation. According to information available to us, while different jurisdictions have different electoral systems, the legislatures of the overseas jurisdictions covered by the research (including Australia, Canada, Finland, France, Germany, New Zealand and United Kingdom) do not maintain a mandatory requirement for candidates to disclose their political affiliations. They can choose to be standing for election as independent candidates. These overseas practices are similar to the current arrangement in Hong Kong.

Conclusion

9.	The existing legislation provides an appropriate legal framework to govern public elections, including the arrangements for declaration of political affiliation for candidates. We will continue to ensure that all public elections are conducted in an open, fair and honest manner in accordance with the law.

Constitutional and Mainland Affairs Bureau
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